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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,368	07/31/2003	Michael R. Layton	A-71673/ESW	5135

40461 7590 05/30/2006

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EXAMINER
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STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/633,368	<b>Applicant(s)</b> LAYTON ET AL.	
	<b>Examiner</b> Amy J. Sterling	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-35 is/are pending in the application.
- 4a) Of the above claim(s) 4,13,15,16 and 26-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,14,17-25 and 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/633,368 Shock Resistant Enclosure, filed on 7/31/03. Claims 1, 2 and 4-35 are pending. Claims 4, 13, 15, 16, 26-31 are withdrawn. This **Final Office Action** is in response to applicant's reply dated 3/28/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

### ***Drawings***

The drawings were received on 3/28/06. These drawings are acknowledged and accepted.

### ***Claim Objections***

Claim 13 is objected to because of the following informalities:

Claim 13 to be drawn to non-elected Species III, characterized in that the runners being "over-molded" do not require corner pieces 27 which are clearly necessary in the embodiment as shown by the elected Species I in Figures 1 and 2. The Specification (page 4, lines 14-18) discusses an alternative embodiment wherein the corner pieces (27) are not part of the structure of the housing when the runners are over-molded. This claim should be withdrawn as being drawn to a non-elected Species.

This claim was not examined due to this election discrepancy and should be withdrawn or cancelled in any subsequent Reply by the applicant.

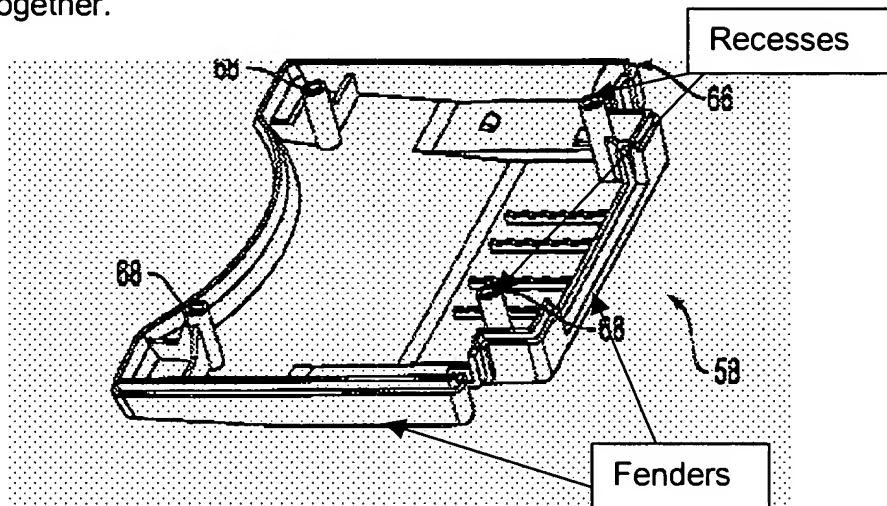
***Claim Rejections - 35 USC § 103***

Claims 1-3, 6-12, 17-20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6454250 to Ribeiro and in view of United States Patent No. 6525431 to Clucas et al.

The patent to Ribeiro discloses a shock-resistant enclosure (54, 56, 58) having a housing to which a fragile element is rigidly mounted (electronic component, See Col. 3 line 64) and a plurality of integrally formed elastomeric (See Col. 3, line 63 for material) discrete shock absorbing elements (54, projections being sides 74, 76) projecting outwardly in different directions and from different sides of the housing and extending beyond a mounting surface of the housing, wherein the shock absorbing elements are a gasket having a sealing portion (74) disposed between the base and cover (56, 58) which seals two sections a base and cover section (56, 58) of the housing together, and shock absorbing elements (62, See Drawing Below) which are formed integrally with the housing and are the same material as the housing which include an integrally formed mounting pad (62) which projects from the housing and integrally formed fenders (See Drawing Below) spaced laterally from mounting pad (62) which extend around corners and are spaced from corner portions of the housing. Riberior also teaches wherein the shock absorbing elements are connected to the sealing portion by runners (78, 80)

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which are embedded in the walls of the housing and wherein the runners (78, 80) are embedded in recesses (See Drawing Below) near the corners of the housing and held in place by cornerpieces (68) retained by fasteners (60) that also hold the two sections of the housing together.



Robeiro does not specifically disclose that the some of the shock absorbing elements are made from plastic.

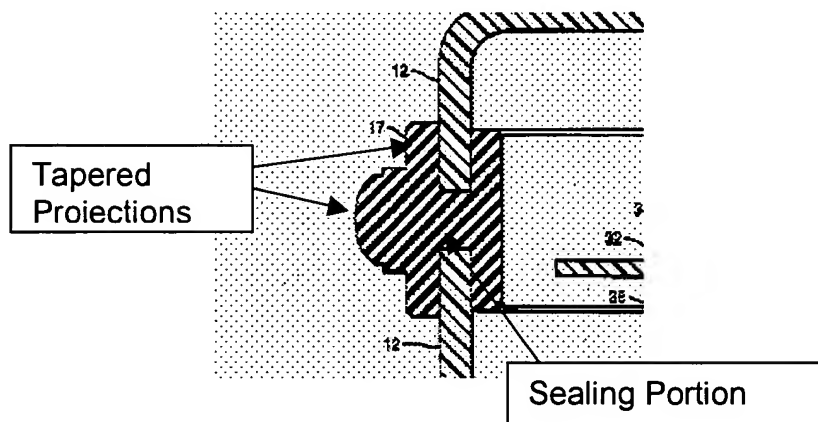
Clucas et al. teaches a housing (q) which has shock absorbing elements (32) made from plastic (See Col. 4, line 56 for material), the plastic material used because it is an inexpensive material. Therefore it would have been obvious to one of ordinary skill in the art to have used plastic as part of the material for the bumper.

Claims 1, 5, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5550712 to Crockett and in view of United States Patent No. 6525431 to Clucas et al.

The patent to Crockett discloses a shock-resistant enclosure (10) having a housing with a base (18) and cover (16) section, to which a fragile element (14) is rigidly

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mounted and a combined sealing gasket and a generally planar shock absorbing structure formed integrally of elastomeric material (See Co. 4, lines 21 for material, silicone rubber is considered an elastomer) with a sealing portion (See Drawing Below) disposed between the base and the cover sections of the housing and plurality of discrete shock absorbing elements (17, See Drawing Below) extending from the sealing portion and are projecting from the different sides of the housing, the projections which are tapered and decrease in cross-sectional area away from the housing and are projecting outwardly in different directions from the housing.



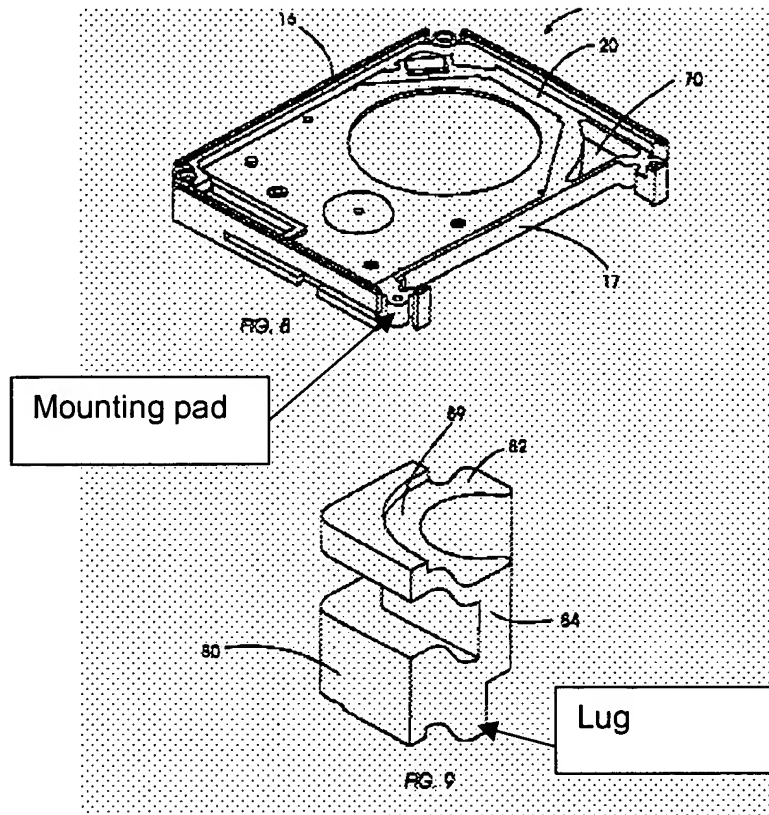
Crockett does not specifically disclose that the some of the shock absorbing elements are made from plastic.

Clucas et al. teaches a housing (q) which has shock absorbing elements (32) made from plastic (See Col. 4, line 56 for material), the plastic material used because it is an inexpensive material. Therefore it would have been obvious to one of ordinary skill in the art to have used plastic as part of the material for the bumper.

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Claims 1, 19, 21-23 and 32-35 are rejected under 35 U.S.C. 103(b) as being unpatentable over United States Patent No. 6031841 to Albrecht et al and in view of United States Patent No. 6525431 to Clucas et al.

Albrecht et al. teaches a housing (10) to which a fragile element (40) is rigidly mounted, and discrete integrally formed shock absorbing elements projecting in different directions from the housing, the shock absorbing elements which include a generally circular mounting pad (See Drawing Below) which projects outwardly in a direction substantially perpendicular from the housing and a generally c-shaped shock absorbing fenders (80) which extend around corner portions and are spaced laterally from the corner portion and the mounting pad and the fender which includes a lug (See Drawing Below) which extends beyond a surface of the mounting pad and extend beyond a side of the housing bounded by the corner portions.



Albrecht et al. does not specifically disclose that the some of the shock absorbing elements are made from plastic.

Clucas et al. teaches a housing (q) which has shock absorbing elements (32) made from plastic (See Col. 4, line 56 for material), the plastic material used because it is an inexpensive material. Therefore it would have been obvious to one of ordinary skill in the art to have used plastic as part of the material for the bumper.

### ***Response to Arguments***

The applicant has argued that claim 13 does not represent a distinct species. This is unpersuasive in that claim 13 is clearly drawn to a species disclosed by the



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specification and is not disclosed by the figures. The claim is considered withdrawn and the election/restriction with regards to this claim is made **FINAL**.

The applicant has also argued that with the Ribeiro reference there is nothing projecting beyond the housing walls. The applicant is arguing limitations which do not appear in the claims. The applicant has also argued that an "electronic component" does not necessarily qualify as a "fragile component". This is unpersuasive in that it is common knowledge that any electronic component can be considered "fragile" since "fragile" is a term of degree, measurable only with regards to a base reference. Also, the specification in Ribeiro clearly states that "electronic devices are prone to failure" (See Col. 1, line 27-29) which is the common definition of "fragile". The applicant has also argued that the component is not rigidly mounted. This is unpersuasive in that the specification states, "the circuit board is supported on an opposite side by a post secured to the device frame" (Col. 2, lines 7 and 8). The applicant has also argued that the "projecting outwardly" language of claim 1 distinguishes the Ribeiro reference. This is unpersuasive in that the elastomeric portion clearly projects outwardly from the housing.

The applicant has argued that Crockett does not show a fragile element rigidly mounted to a housing. This is unpersuasive in that object 14, which is considered fragile using the reasoning recited above, is rigidly mounted at 26 and 28). The applicant has also argued that the shock absorbers in Crockett does not provide protection from shocks impinging from any direction other than the plane of the bumper itself. Again, the applicant is arguing limitations that do not appear in the claim. The

applicant has not specified the properties of the shock itself in a positive manner. The applicant has also argued that the shock absorber is not shown to be generally planar or does not project substantially perpendicular. This is unpersuasive in that many of the areas of the shock absorber are generally planar and it is clear that there are portions which project perpendicular.

With regards to Albrecht et al. the applicant has argued that the reference does not teach mounting pads which project from the housing saying that the "mounting pad" is not a "mounting pad" and it does not "project from the housing". It is clear that the element as described in Albrecht et al. meets the definition of "mounting pad" which is not defined to be a certain type of "pad" and that is it fastened to "project" from the housing. The applicant has also argued that making the bumpers of plastic would cause them to not be resilient and would destroy their purpose of absorbing shocks. This is unpersuasive in that plastic comes in many types, some of which have resilient properties and therefore the material could be optimized and chosen as desired.


### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

  
Amy J. Sterling  
Primary Examiner  
5/22/06